

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04:-CV-10281 EFH
)	
IBJTC Business Credit Corp. and)	
David Molinario,)	
Defendants.)	

**ASSENTED TO MOTION TO ENLARGE TIME FOR PLAINTIFF TO FILE
OPPOSITION TO DEFENDANT'S MOTION TO STRIKE EXPERT REPORT
AND TO ENTER JUDGMENT DISMISSING THE SOLE
REMAINING COUNT OF THE SECOND AMENDED COMPLAINT
AND ASSENTED TO MOTION FOR LEAVE FOR DEFENDANT TO FILE REPLY
BRIEF TO PLAINTIFF'S OPPOSITION**

TO THE UNITED STATES DISTRICT COURT:

Plaintiff ARY Jewelers, LLC ("Plaintiff") files this Assented to Motion to Enlarge Time for Plaintiff to File Opposition to Defendant's Motion to Strike Expert Report and to Enter Judgment Dismissing the Sole Remaining Count of the Second Amended Complaint ("Defendant's Motion") and Assented to Motion for Defendant to File Reply Brief to Plaintiff's Opposition in support thereof would respectfully show the Court the following:

1. Defendant filed Defendant's Motion on September 15, 2006. Plaintiff's Opposition thereto is currently due September 29, 2006.
2. This Motion is being made pursuant to Fed. R. Civ. P. 6 and is being filed before the deadline for filing Plaintiff's Opposition.
3. Plaintiff has been diligently working on the Opposition; however, it has not yet been completed. Due to other matters, such as depositions and a planned out of town trip, Plaintiff's

counsel needs an additional 10 days to prepare the Opposition and file it. Thus, Plaintiff's request that the deadline for filing its Opposition be enlarged from September 29, 2006 to October 9, 2006.

4. The granting of this motion will not affect the trial setting. This motion is filed with the Court and this request is made only so that the best interests of justice may be served.

5. Additionally, Defendant requests leave of court to file a reply to Plaintiff's Opposition. Such reply shall be due no later than one week after the filing of Plaintiff's Opposition. Plaintiff agrees to this request.

WHEREFORE, Plaintiff and Defendant ask that these Motions be granted and that the date for Plaintiff's Opposition to Defendant's Motion be enlarged from September 29, 2006 to October 9, 2006 and that Defendant be granted leave of court to file a reply, such being due no later than one week after the filing of Plaintiff's Opposition.

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

By: /s/ -Stephen P. Carrigan -

Stephen P. Carrigan(Admitted Pro Hac Vice)

State Bar No. 03877000

Federal I.D. 6112

2 Houston Center

909 Fannin, Suite 1575

Tel. (713)739-0810

Fax. (361)739-0821

Attorney-in-Charge for Plaintiff

OF COUNSEL:

Jill L. Groff (Admitted Pro Hac Vice)
The Carrigan Law Firm, L.L.P.
2 Houston Center
909 Fannin, Suite 1575
Houston, Texas 77010
(713-729-0810 (telephone)
(713) 739-0821 (facsimile)
Of Counsel for Plaintiff

Ashish Mahendru BBO#647661
Mahendru, P.C.
1111 Bagby, Suite 2000
Houston, Texas 77002
(713) 571-1519 (telephone)
(713) 651-0776 (facsimile)
Of Counsel for Plaintiff

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney has conferred with counsel for Defendant and the same agrees to the relief requested in this Motion. Plaintiff's counsel also agrees to Defendant's request for leave of court to file a reply brief.

-/s/ Jill L. Groff -
Stephen P. Carrigan/Jill L. Groff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Assented to Motion to Enlarge Time for Plaintiff to File Opposition to Defendant's Motion to Strike Expert Report and to Enter Judgment Dismissing the Sole Remaining Count of the Second Amended Complaint and Assented to Motion for Defendant to File Reply Brief to Plaintiff's Opposition was served to each person listed below by certified mail, return receipt requested, facsimile and/or hand delivery on the 28th day of September, 2006.

Robert S. Fischler
Ropes & Gray, LLP
45 Rockefeller Plaza
New York, New York 10111

Christopher R. Dillon
Kate Cimini
Ropes & Gray, LLP
One International Place
Boston, MA 02110-2624

/s/ Jill L. Groff
Stephen P. Carrigan/Jill L. Groff